

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

THE CITY OF HIALEAH EMPLOYEE'S)	Civ. Action No. 07-1513
RETIREMENT SYSTEM and LABORERS)	
PENSION TRUST FUND FOR NORTHERN)	<u>CLASS ACTION</u>
CALIFORNIA, On Behalf of Themselves and)	
All Others Similarly Situated,)	The Honorable C. Darnell Jones II
)	
Plaintiffs,)	LEAD PLAINTIFFS' MOTION FOR CLASS
)	CERTIFICATION
vs.)	
)	
TOLL BROTHERS, INC., et al.,)	
)	
Defendants.)	
)	
)	
)	

Lead Plaintiffs The City of Hialeah Employee's Retirement System ("Hialeah") and Laborers Pension Trust Fund for Northern California ("Laborers") hereby move this Court for an order pursuant to Federal Rule of Civil Procedure 23: (1) certifying a plaintiff class (the "Class") consisting of all persons who purchased, or otherwise acquired, Toll Brothers, Inc.'s common shares during the period December 9, 2004 through November 8, 2005 (the "Class Period"), inclusive¹; and (2) appointing Hialeah and Laborers as class representatives and their counsel Robbins Geller Rudman & Dowd LLP and Berger & Montague, P.C. as class counsel.

This motion is based upon the accompanying memorandum of law in support thereof, the pleadings and records on file in this case and such other matters and argument as the Court may consider.

DATED: May 14, 2010

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¹ Excluded from the Class are defendants, the officers and directors of Toll Brothers, Inc., members of their immediate families, any officer, director or partner of any defendant, any entity in which a defendant has a controlling interest and the heirs, successors or assigns of any such excluded party.

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CERTIFICATE OF SERVICE

I hereby certify that on May 14, 2010, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I have mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on May 14, 2010.

s/ SPENCER A. BURKHOLZ
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